

Serial No. 10/602,685

Attorney Docket No. 26B-017

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REMARKS

Claims 1-4 and 7 are pending. Claims 5 and 6 have been canceled. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

The applicants respectfully request that the finality of the rejection be withdrawn, because a new ground of rejection appeared in the final rejection that was not necessitated by the applicants' amendment. The final office action includes a new rejection under section 112 for using the term "thin." However, the original claims included the "thin portion" in claim 1, and the first office action did not include a section 112 rejection or any indication that the term "thin portion" was unclear. While the amendment filed on 6 June 2006 referred to the "thin portion," the amendment did not introduce the "thin portion." Thus, the section 112 rejection was not necessitated by the applicants' amendment, and the finality should be withdrawn.

Claims 1-4 and 7 were rejected under 35 USC 112, second paragraph, as being indefinite. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 1 has been amended to recite that the thickness of the thin portion is reduced relative to the main portion. Thus, claim 1 is not indefinite because the "thin portion" is defined as being thinner than the main portion. Although "thin" is a relative term, the reader can determine what thicknesses are being compared in the claims when the word "thin" is used, so the language is not indefinite. Claim language can be indefinite when a relative term is used without giving the reader a frame of reference; however, a frame of reference is provided in claim 1. Therefore, this rejection should be withdrawn.

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The change to claim 1 is merely clarification, since the original claims state essentially the same thing but in less clear terms. Note that the original claim 1 stated the following:


"a thin portion being formed at each end portion of the leather materials by thinning a back side of said end portion such that a thickness at a stitching portion of said end portion to be stitched to an end portion of the adjacent leather material is lowered"

Original claim 1 stated that the thin portion is created by "thinning" the end portion. Thus, was not difficult to determine from reading the original claims that the end portions are thin relative to the adjacent material, or the main portion, which was not thinned. Thus, the applicants believe that the original claims were not indefinite.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

  
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